

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicant would like to thank the Examiner for indicating claims 36, 38 and 49 as being allowable if rewritten in independent form.

In the Official Action, the Examiner objects to the Drawings because Figures 5A and 5B should be designated by a legend, such as --Prior Art-- since only that which is old is illustrated therein. In response, Figures 5A and 5B have been amended as suggested by the Examiner. Replacement sheets for amended Figures 5A and 5B are enclosed. Accordingly, it is respectfully requested that the objection to the Drawings be withdrawn.

In the Official Action, the Examiner has withdrawn the rejections based on the previous prior art references in view of newly cited references. Specifically, the Examiner rejects claims 35, 37 and 39 under 35 U.S.C. § 102(b) as being anticipated by either U.S. Patent No. 4,730,729 to Mönch (hereinafter "Mönch") or U.S. Patent No. 5,843,387 to Dane et al., (hereinafter "Dane"). Furthermore, the Examiner rejects claims 35, 37, 39, 43 and 45-48 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,534,221 to Hillebrenner et al., (hereinafter "Hillebrenner").

With regard to the Dane and Mönch references and independent claim 35, the same has been amended to include the features of allowable claim 38. Consequently, claim 38 has been canceled.

Therefore, a vessel for high-temperature high-pressure steam sterilization as now recited in independent claim 35, is nowhere disclosed in either Dane or Mönch. Since it has been decided that "anticipation requires the presence in a single prior art reference,

disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claim 35 is not anticipated by either Dane or Mönch. Accordingly, independent claim 35 patentably distinguishes over both Dane and Mönch and is allowable. Claims 37 and 39 being dependent upon claim 35 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 35, 37 and 39 under 35 U.S.C. § 102(b).

With regard to the Hillebrenner reference, the Examiner argues that the features of independent claims 35 and 43 are shown in Figures 4C, 18, 21 and 20. The Applicant respectfully disagrees. Firstly, claim 35 has been amended as discussed above. Secondly, Claim 43 recites a first accommodating member that is a tray in which the operating portion can be positioned and accommodated and a second accommodating member rotatably disposed on the first accommodating member adapted to accommodate the flexible inserting portion.

As shown clearly in Figures 19, 20 and 21 of Hillebrenner, an endoscope 240 is accommodated in a tray 230, the endoscope has a control portion (not numbered, but on the right side of the endoscope having knobs and eyepiece) and an inserting portion (20). In the embodiment of Figures 19-21 of Hillebrenner, no portions of the endoscope are accommodated by the top cover (262). In contrast, the control portion as well as the inserting portion of the endoscope shown in Hillebrenner are both accommodated by tray (232) (shown in Figure 19 outside the bottom cover 264) and clips (252, 254). The endoscope and tray unit shown in Figure 19 is then disposed inside the bottom cover (264). The top cover (262) is then placed over the bottom cover to complete the assembly. As clearly shown in

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

Hillebrenner, the same simply does not disclose a second accommodating member rotatably disposed on a first accommodating member which is adapted to accommodate the flexible inserting portion of the endoscope. As discussed above, Hillebrenner only discloses a single tray for accommodating all portions of the endoscope.

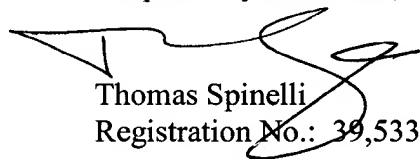
With regard to the rejection of claims 35, 37, 39, 43 and 45-48 under 35 U.S.C. § 103(a), independent claims 35 and 43 are not rendered obvious by the cited references because Hillebrenner patent, whether taken alone or in combination with the knowledge of those of ordinary skill in the art, does not teach or suggest a vessel for high-temperature high-pressure steam sterilization having the features discussed above and recited in independent claims 35 and 43. Accordingly, claims 35 and 43 patentably distinguish over the prior art and are allowable. Claims 37, 39 and 45-48, being dependent upon claims 35 and 43, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 35, 37, 39, 43 and 45-48 under 35 U.S.C. § 103(a).

Lastly, new independent claim 50 has been added having the features of independent claim 35 and allowable claim 36.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case,
the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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Encl. (Replacement Sheets for Amended Figures 5A and 5B)